

INTERNATIONAL COMM. of Jurists / Background INFO

AL 058

THE POSITION OF LAWYERS

Victims prior
to M.I. Coup

ARGENTINA PROJECT (S200000044)

U.S. DEPT. OF STATE, A/RPS/IPS

Margaret P. Grafeld, Director

☒ Release
 ☐ Excise
 ☐ Deny

Exemption(s):

Declassify: ☐ In Part ☐ In Full
☐ Classify as ☐ Extend as ☐ Downgrade to
Date ☐ Declassify on Reason

2. Those lawyers who act as defence counsel for political detainees have been victims of extensive violence, ranging from threats of murder to actual physical elimination. Several have had their offices damaged by explosions and broken into by police authorities. Some are detained on order of the Executive without any regular trial or the laying of formal charges. Others have had to leave the country or go into hiding, thus necessarily abandoning their professional activities.

thirty-two

3. The following-lawyers are being detained at the pleasure of the Executive: Armando Rodolfo Fertita (1); Raúl Degue; Eduardo Romanin; Lucila F. Intelisano; Horacio D. Zamboni; Jorge J. Ballardini; Susana Aguad and Susana Buconic (2); Ricardo Amor (3); Oscar Pedrosa; Roberto Berges; Pablo Lajarraga; Carlos Masolo; Vicente V. Ayala (4); René Gabioux; Farat Sire Salim (5); Hector Andreotti; Cesar Calcagno; Julio C. Marcolli and Jorge M. Marca (6); Roberto Diaz; Abraham Kozak (7); Alfredo Ramon Guevara and Fuad Taum (8); Carlos Mariano Zamorano (9); Hector Archetti (10); Juan Bonacossi (11); Nestor Bueno (12); Julio Everto Suarez (13); Eduardo Garat (14); Daniel Veiga (15); Andrés Fidalgo and Amalio Juan Rey.

Many consider this list incomplete. On it, however, figures the great majority of defence advocates of political prisoners who were practising at the time of their arrest. (16)

On December 16, 1974, a representative committee of the Movement for the Protection of the Legal Profession submitted a memorandum to the Supreme Court of Justice in which it petitioned the Court to request "the Executive to explain the grounds on which a number of lawyers had been taken into custody". In this memorandum were mentioned the names of several lawyers referred to above and it was stated that "they were not charged with any specific criminal acts". (17)

Some 250 militant lawyers of the court in Córdoba recently had published an open letter to the President of the country and to the Minister of the Interior, calling for the release of Susana Aguad, Susana Buconic, Abraham Kozak and Amalio Rey, all of whom had been kept arbitrarily under arrest for more than three months. (18)

twenty-six

4. The following-lawyers have, amongst others, been threatened with murder by the terrorist organisation AAA ("Argentine Anti-Communist Alliance"): Mario Hernández, Osvaldo Acosta, Eduardo Duhalde, Vicente Zito Lema, Ana Maria Sanchez, Ines Cassibe, Helena Moreno, Eduardo A. Sanjurjo, Manuel Gaggero, Rodolfo Mattarollo, Enrique Schargorodsky, Gustavo Roca, Lucia Garzon Maceda, Carlos Altamira, Rafael Lombardi, Alfredo Decerra, Carlos Bongiorno, Mario Mathov, Rafael Cecilio Masovich, Mario Landaburu, Antonio Chua, Mario Yacub, Amilcar and Manuela Santucho, Jorge Rivak and Horacio Ramiro Vivas.

Several of these lawyers had distinguished themselves in their defence of political detainees, activities which they have now had to abandon. Some are in hiding after having had to go so far as to change their physical appearance. Some of these attorneys were contacted by me.

5. Several lawyers had their offices broken into. This is the case of Alicia Pierini, Pedro Galin and Alejandro Teitelbaum. Earlier the offices of Mava Menvielle, Marta Dacunda, Eugenio Laera, Silvio Frondizi and Antonio Sosa - all defence counsel for political detainees - were also forcibly entered. (19)

On May 10, 1974, the law offices of Miguel Zavala Rodriguez, Member of Congress, in Mar del Plata were broken into by agents of the Provincial and Federal Police. (20) Shortly after the funeral of Rodolfo Ortega Peña, the homes of several attorneys were forcibly entered by Federal Police. Amongst these were Carlos Gonzalez Gartland and Mario Hernandez. (21)

6. More serious attacks have also taken place. The Guild of Attorneys of the Federal Capital had its head office completely destroyed by plastic explosives which caused injuries to four passers-by. This occurred on July 17, 1974. The Guild had called a meeting of defence counsel of political prisoners and workers. One of its officers stated that several threats had been made by a commando named Juan Manuel de Rosas. (22)

The Bar Association of Bahia Blanca's headquarters was the victim of an attack with explosives and shooting shortly after the Association had decided that its members would thereafter be designated as defence counsel for political detainees by the drawing of lots, since it was impossible for those lawyers chosen by the accused to assume such a responsibility. Those whose names were drawn had their homes bombed and were subsequently arrested. The Bar Association in Tucumán was also the target of an attack after having published a document protesting against assaults which had been made on lawyers. Its headquarters were completely destroyed after having been twice dynamited. (23)

The offices and homes of many lawyers have been attacked by bombs and rifle fire. This has happened to Attorneys Carlos A. Gonzalez Gartland and Saul Lipovetzsky (in October 1974) as well as to Attorneys Vicente Zito Lema and Miguel A. Radrizzani Goñi. In a document issued in the name of the defence counsel for guerrilla fighters arrested in Catamarca, Dr. Silvio Frondizi and Dr. Manuel Gaggero denounced "interference and all types of intimidation to which counsel undertaking to defend those arrested were subjected. In the case of Dr. Marcolli, the Provincial Governor of Catamarca required him to resign from public office and he was threatened if he did not comply. His home was, moreover, forcibly broken into by the Federal Security Agency's agents. The home of Dr. Martinelli, barrister in Tucumán, was destroyed by explosives and Drs. Curutchet and Perez were taken into custody when the hotel in which they were staying the night was broken into."

The same Dr. Silvio Frondizi (who was later murdered) had his office destroyed by a bomb on August 30, 1974. (24) The home of Attorney Amado Nelson Machado of Rosario who was making grave accusations against the police of the district of Villa Mugueta at the time, was attacked by a hail of machine-gun fire. (25)

7. After being repeatedly threatened, Attorneys Pedro Galin (26), Mario Diehl, Rafael J. Perez, Alejandro Teitelbaum, E. Mogueras, Oscar Rabinovich,

Mirta Sofia and Carlos A. Gonzalez Gartland, have left the country.

8. The culminating point of this violence directed against lawyers was reached with the dramatic death of several of them.

Before 1973 the only case on record was that of Nestor Martins, captured as he was leaving his office on December 16, 1970, accompanied by his client, Mildo Zenteno. Martins had denounced several policemen for torture and was engaged at the time in proving the truth of his allegations in court. Nothing more has ever been heard either of the lawyer or of his client. There is no doubt that they are dead. (27)

The death of Nestor Martins belongs, however, to the past. The current political history of Argentina begins with the taking of office by President Campora on May 25, 1973, in the midst of delirious demonstrations on the part of the people. From that date on, there are the following cases on record:

- (a) the murder of Antonio Deleroni, defence counsel for political detainees and "Peronista" militant, and of his companion, Mélida Florentina Arana, took place on November 27, 1973, in the city of San Miguel. Deleroni had been outstanding in his defence of political prisoners under the military régime and had recently denounced police torture carried out in the police station of San Miguel. (28)

According to the reports in various periodicals, the crime took place in San Miguel-railway station, shortly after 4.00 p.m. As the couple was preparing to enter the train, they were intercepted by a youth who got out of a car in which were five other persons. Deleroni's companion, upon realising their criminal purpose, placed herself in front of him and was shot several times. Then Deleroni himself was repeatedly shot and died instantly.

Two policemen who were in a train went off in pursuit of the criminal and managed to apprehend and disarm him. He was discovered to be Ricardo Julio Villanueva, 27 years of age, who declared that he was a member of the (Peronist) Partido Justicialista, and gave his address as the Superior School of Political Leadership in the capital. The latter organisation is connected with the powerful metal workers' union (UOM) and occupies an important position in the "Peronista" Superior Council. In a previous action brought against Villanueva for the possession of weapons of war, he requested the return of his personal belongings on a piece of paper with the letter-head of the Peronist Youth of the Republic of Argentina, and stated that he was an official of the Ministry of Social Welfare. (29)

- (b) On July 31, 1974, at a place in the centre of the city of Buenos Aires at about 10.30 p.m., a Member of Congress, Rodolfo Ortega Peña, was shot as he was getting out of a taxi with his wife. He had distinguished himself as an exceptionally energetic defence counsel for political detainees. The crime occurred as the Member of Congress was getting out of a taxi with his wife. Three men armed with machine guns shot him in several places in the head and body. His wife was wounded also, although not seriously. The murderers got away and there has been no news on the results of the investigation. (30) His funeral was a gigantic popular demonstration, severely repressed by armed

federal police in armoured cars and on motorcycles. They staged raids, even inside the cemetery, and made 380 arrests. (31) The following day the Ministry of the Interior issued a communiqué stating that "in view of the continual disorders which took place during the procession (of mourners), 380 persons had been arrested, of whom 303 were tried for contempt, illegal possession of arms and mischievous damage. The rest were released since they were minors." (32)

The demonstrators carried placards on which was inscribed the old "Peronista" motto "La Sangre derramada no será negociada" ("There shall be no bargaining with blood that has been shed").

At the commemorative session of the Chamber of Representatives, Rep. Merchensky (FREJULI) /a political party, the Frente Justicialista de Liberación - Trans./ stated: "The protection and the safety of Argentines are imperilled as they have never been before in our history." (33)

(c) On September 11, 1974, while returning from the distant town of Rio Gallegos where he had been visiting political prisoners, Alfredo Curutchet, a 34-year old lawyer from Córdoba, was kidnapped and murdered. Previously his home had been the target of bombings and machine-gun fire. The funeral took place in Córdoba. The criminals used a green Ford Falcon. (34) Para-police groups were directly responsible for the crime. (35) The investigations have led to no results.

(d) On September 27, 1974, Dr. Silvio Frondizi was kidnapped from his son-in-law's home in a spectacular commando-type operation. He was later found dead in the Ezeiza Recreation Centre. Silvio Frondizi was the brother of a former President of Argentina and an active defender of political prisoners.

The kidnapping took place in the early afternoon in a busy Buenos Aires street and involved a number of persons. Traffic was stopped in the neighbourhood for fifteen minutes and no-one in authority intervened. The lawyer's son-in-law, Mr. Luis Mendiburu, was killed by machine-gun fire when he tried to protect his father-in-law. Frondizi's wife and a neighbour were wounded. The AAA claimed responsibility for the acts. Although the murderers made their getaway in a Ford Falcon with a flat tyre, the investigations undertaken have yielded no results up to now.

(36)

(e) Two young women lawyers from Santa Fe, Marta Zamaso and Wilda Urquia, 32 and 22 years of age respectively, were found choked to death in a small creek near the town. They had been arrested by the police and released because no charges were laid. Five days later a group of persons kidnapped them and threw them into the water with their hands and feet bound. They were also defence counsel for political prisoners.

9. As a result of these events, the lawyers who were working on political trials and who were still at large, began to refuse systematically this sort of case, alleging that they were given no protection. Political prisoners began to be defended by public defenders who only provided a totally ineffective pro forma defence.

Also several lawyers complained that when political prisoners instructed legal counsel of their own choosing, their conditions of detention became more rigorous.